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Attorneys for Defendants PRIME NOW LLC
and AMAZON.COM, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO MABANTA, on behalf of himself and
all others that are similarly situated,

Plaintiffs,

v.

PRIME NOW LLC, a Delaware Corporation;
AMAZON.COM, INC., a Delaware
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. 4-20-cv-02813-YGR

**DECLARATION OF MICHELE L.
MARYOTT IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

DECLARATION OF MICHELE L. MARYOTT

I, Michele L. Maryott, state as follows:

1. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Defendants Prime Now LLC and Amazon.com, Inc. in the above-entitled action. I am licensed to practice law in the State of California and before the U.S. District Court for the Northern District of California.

2. I make this declaration in support of Defendants' Opposition to Plaintiff's Motion for Class Certification. I have personal knowledge of the matters and information set forth in this declaration, and if called upon to testify to them, could and would competently do so.

3. Attached hereto as **Exhibit A** is a true and correct copy of the transcript of the deposition of Michael Davis taken in this action on May 26, 2021.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of Michael P. Ward, Ph.D., dated September 16, 2021.

5. Attached hereto as **Exhibit C** is a true and correct copy of the transcript of the deposition of Mario Mabanta taken in this action on August 12, 2021.

6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the transcript of the deposition of Elena Nacarino, taken on September 14, 2021.

7. Attached hereto as **Exhibit E** is a true and correct copy of Elena Nacarino's California Meal Period Waiver Agreement dated September 18, 2018, as produced in this litigation bearing Bates number NAC-PRIME_00000080.

8. Attached hereto as **Exhibit F** is a true and correct copy of the Advisement and Waiver of Rights for a Felony Guilty Plea of Mario Mabanta and Factual Basis for Plea signed on February 17, 2009 in *People v. Mabanta*, Case No. 08CF3123, before the California Superior Court in and for Orange County, as produced in this litigation bearing Bates number MAB-PRIME_00000992.

9. Attached hereto as **Exhibit G** is a true and correct copy of the Advisement and Waiver of Rights for a Felony Guilty Plea of Mario Mabanta and Factual Basis for Plea signed on May 28, 2021 in *People v. Mabanta*, Case No. 08CF3123, before the California Superior Court in and for Orange County, as produced in this litigation bearing Bates number MAB-PRIME_00001001.

1 10. Attached hereto as **Exhibit H** is a true and correct copy of the Court Order from May
2 28, 2021 in *People v. Mabanta*, Case No. 08CF3123, before the California Superior Court in and for
3 Orange County, as produced in this litigation bearing Bates number MAB-PRIME_00001010.

4 I have read this statement and declare that is it true and correct under penalty of perjury under
5 the laws of the United States and the State of California. Signed on the 17th of September, 2021 at
6 _____, Irvine _____, California.

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MICHELE L. MARYOTT